

### REMARKS

Applicants have amended the claims to further define the present invention. In addition, the claims have been amended to address the Examiner's concerns under 35 U.S.C. §112 second paragraph, as set forth below. Specifically, the term "other member" in claim 42 has been amended to recite that it is the "second member of the recognition group." Additionally, in claim 42 the phrase "being one or more of the group . . ." has been deleted to clarify that group is referring to the group of "nucleation centers". No new matter has been added by virtue of the amendments to the claims.

*Claims 42 – 49 stand rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.*

Applicants respectfully submit that the amendments to claim 42, as set forth in the first paragraph of this remarks section, have obviated the rejection which should therefore be withdrawn.

*Claims 42 – 47 and 49 stand rejected under 35 U.S.C. §102(e) as being anticipated by Letsinger et al., U.S. Patent No. 6,602,669.*

Applicants respectfully request that this rejection be withdrawn because the '669 patent is not prior art to the present application. Applicants note that the '669 patent claims priority to a provisional application filed **July 11, 2000**. Whereas the present application is a '371 entry of a PCT filed **October 27, 1999**, which claimed priority to an Israeli patent application filed October 27, 1998.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

In view of the foregoing, Applicants respectfully request favourable reconsideration of the application.

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If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

**FEE AUTHORIZATION**

The Commissioner is authorized to charge any fees associated with this submission to the Nixon Peabody LLP Deposit Account No. 50-0850.

Date:

2/9/04

Customer No.: 26770

Respectfully submitted,



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